

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Sandra K. Caudill,)	C/A No.: 3:10-2291-JFA-JRM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Criminal Justice)	
Academy; Michael Lanier and)	
Randy King, in their individual)	
capacities,)	
)	
Defendants.)	
_____)	

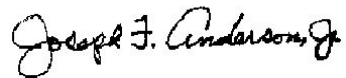
This matter comes before the Court on Defendants' appeal of the November 12, 2010 order of Magistrate Judge Joseph R. McCrorey denying Defendants' motion to stay the case. (ECF No. 12). One of the defendants' two attorneys, Eugene H. Matthews, is being deployed on November 19, 2010 to report to active military service until December 2011 and will be unavailable to work on this case in the interim. Because of the potential prejudice to the plaintiff and the lack of prejudice to the defendants, this Court affirms the order of the Magistrate denying the motion to stay the case.

Mr. Matthews requested that the case be stayed until his return because he has previously represented the defendants, is familiar with the policies of the SCCJA, and is certified by the South Carolina Supreme Court as a specialist in employment and labor law. He also argued that the plaintiff, who opposes staying the case, will not suffer prejudice as a result of the one year delay. However, the plaintiff has been diagnosed with Stage IV

inoperable cancer, and it is not unreasonable to expect that her health may decline over the next year. The prejudice to the defendants is limited because discovery has not begun, and the scheduling order has been extended to give the defendants time to find substitute counsel. Therefore, the Court affirms the order of the Magistrate denying the motion to stay the case and extending the scheduling order.

IT IS SO ORDERED.

November 17, 2010
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge